

**CITY/COUNTY CONTRACT RELATING
TO PLANNING AND ZONING**

WHEREAS, by special act of the Florida Legislature (Chapter 25978 Laws of Florida, 1949), the City and County are authorized to enter into and carry into effect contracts and agreements relating to the common duties and functions of said governments, and;

WHEREAS, both governments desire to foster an atmosphere of cooperation in the determination of the equity of the agreement to provide services to citizens residing within the municipal boundaries and in the unincorporated area, and;

WHEREAS, it is of benefit to all the citizens of City and County that both governments cooperate to resolve these and other community problems,

NOW, THEREFORE, in consideration of the mutual promises herein contained, the City and County do hereby agree as follows with regard to planning and zoning:

1. The Planning Department shall be managed according to the following practices and procedures:

a. The employment of the Planning Director shall be approved by both the City Manager and County Administrator.

b. The Planning Director may be terminated by either the City Manager or the County Administrator.

c. The Planning Director shall have sole authority to hire and terminate Planning Department staff.

d. The City Manager and the County Administrator shall jointly evaluate the performance of the Planning Director at least annually. The Planning Director shall be responsible to both the City Manager and the County Administrator for the performance of the Planning Department.

e. The annual Planning Department budget request shall be submitted by the Planning Director in a format(s) and following such procedures as specified by the City Manager and County Administrator and shall be reviewed jointly by the appropriate City and County staff and a joint report presented by the City Manager and County Administrator to both City and County Commissions.

f. The City Manager and County Administrator shall develop certain performance measures by which to evaluate the services provided to each government by the Planning Department.

g. The Planning Director shall develop operational policies and procedures for the Planning Department which will be reviewed and approved by the County Administrator and the City Manager.

h. The City shall provide administrative services to the Planning Department for FY 93-94. As part of the FY 94-95 budget submission, the County Administrator and City Manager shall conduct a review of the costs and provide a recommendation regarding the provision of administrative services to the Department.

2. The City shall continue to provide Planning Department office space in City Hall unless the option in Section (b) below is exercised:

a. If located in City Hall, the County shall pay to the City an amount of \$1.00 per square foot per year for all space occupied by the Planning Department.

b. At any time during the term of this agreement, the County shall have the exclusive right to provide space for the Planning Department at the County Courthouse. The costs of relocation to the Courthouse will be borne by the County, and under this arrangement, the City shall pay the County \$1.00 per square foot per year for all space occupied by the Planning Department. Furniture, furnishings, and equipment which was jointly funded will be relocated if this option is exercised.

c. The annual operating and maintenance (O&M) costs for space under (a) or (b) above shall be shared between the City and the County in accordance with the formula determined in Section 4 below.

3. At the effective date of this agreement, all new employees of the Department, with the exception of clerical and secretarial employees, and those employees funded 100 percent by either the City or the County, may choose at the time of employment to enroll in the retirement, life insurance, and health care programs of either the County or the City. The employment status of current employees will not change.

4. The Planning Department shall keep records of each employee's time, and each year no later than January 31 shall submit a report to the City Manager and the County Administrator identifying the total work hours for the preceding budget year. The report shall clearly identify:

a. **NET HOURS** - Net hours in the Planning Department are the total work hours of the department less the hours assigned to activities funded from Federal, State, or other non-local sources, and less employee hours in programs sponsored only by the County or City government such as the City's Economic Development program.

b. **CITY HOURS** - the number of NET HOURS assigned to activities determined to be of specific benefit to only the City.

c. **COUNTY HOURS** - the number of NET HOURS assigned to activities determined to be of specific benefit to only the County.

d. **JOINT HOURS** - the number of NET HOURS assigned to activities determined to be of benefit to the City and County .

e. **LOCAL COST** - shall be determined as the Planning Department's appropriation, less activities funded from Federal, State, or other non-local sources, and less the cost of exclusive programs such as the City economic development program, and less the cost of external contracts sponsored by only the County or City government. [Such programs and/or contracts shall be funded by the respective government.]

f. The percentage of the LOCAL COST to be paid by the County government shall be determined as follows:

$$\frac{(\text{COUNTY HOURS} + \text{JOINT HOURS})}{a} \text{ divided by NET HOURS:}$$

$$\frac{(c + 1/2 d)}{a}$$

g. the percentage of the LOCAL COST to be paid by the City government shall be determined as follows:

$$\frac{(\text{CITY HOURS} + 1/2 \text{ JOINT HOURS})}{a} \text{ divided by NET HOURS:}$$

$$\frac{(b + 1/2 d)}{a}$$

The annual budget of the Planning Department which is to be funded as aforesaid shall be approved prior to the inception of the budget year by both the City and County Commissions before such budget shall become effective. Nothing herein shall be construed so as to compel either the City or County to adopt a budget to fund the Planning Department.

5. All local revenues collected by the Planning Department originating within the corporate limits of the City shall be paid to the City; all local revenues collected by the Planning Department originating within the unincorporated areas of the County shall be paid to the County.

6. This agreement shall be for five years beginning October 1, 1993, and shall be renewed automatically thereafter for an additional five-year period unless either government gives written notice to the other government of its intent to terminate this agreement not less than eighteen months prior to the end of any five year period. The agreement can be amended within either five-year period with consent of both parties.

IN WITNESS WHEREOF, the parties have caused these presents to be executed and sealed this 7TH day of OCTOBER, 1993.

APPROVED BY:

LEON COUNTY BOARD
OF COMMISSIONERS

By: [Signature]
Manny Joanos

Date: 10/6/93

TALLAHASSEE CITY COMMISSION

By: [Signature]
Dorothy Inman-Crews, Mayor

Date: 10/7/93

ATTEST

By: [Signature] D.C. McCade
DAVE LANG, Clerk

[Signature]
ROBERT INZER
City Treasurer-Clerk

APPROVED AS TO FORM
LEON COUNTY ATTORNEY'S OFFICE
Leon County, Florida

By: [Signature]

APPROVED AS TO FORM

[Signature]
JAMES R. ENGLISH
CITY ATTORNEY

APPROVED BY CITY COMMISSION

September 15, 1993